



PILLSBURY WINTHROP SHAW PITTMAN LLP

JONATHAN DOOLITTLE (Bar No. 290638)

Four Embarcadero Center, 22nd Floor
San Francisco, CA 94111-5998

Telephone: 415.983.1000

Facsimile: 415.983.1200

Email: jonathan.doolittle@pillsburylaw.cc

GOLDBERG KOHN LTD.

DAVID E. MORRISON

david.morrison@goldbergkohn.com

JEREMY M. DOWNS

jeremy.downs@goldbergkohn.com

55 East Monroe Street, Suite 3300

Chicago, IL 60603

Telephone: 312.201.4000

Facsimile: 312.332.2196

Email: david.morrison@goldbergkohn.com

Email: jeremy.downs@goldbergkohn.com

Attorneys for Defendants Wells Fargo Bank, National Association

The following constitutes the order of the Court.
Signed: October 27, 2020

A handwritten signature in black ink, appearing to read "Roger L. Efremsky", is written over a horizontal line.

Roger L. Efremsky
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re:

FAIRN & SWANSON, INC.,

Debtor.

DIAGEO BRANDS BV, DIAGEO SCOTLAND
LIMITED, and DIAGEO NORTH AMERICA,
INC.,

Plaintiffs,

v.

LOIS I. BRADY, as Trustee for the Chapter 7 estate
of FAIRN & SWANSON, INC., and WELLS
FARGO BANK, NATIONAL ASSOCIATION

Defendants.

Case No. 20-40990-RLE

Chapter 7

Honorable Roger L. Efremsky

Adversary Proceeding Case No. 20-
04034-RLE

Chapter 7

**ORDER GRANTING MOTION
FOR JUDGMENT ON THE
PLEADINGS, OR, IN THE
ALTERNATIVE, SUMMARY
JUDGMENT**

Date: October 22, 2020

Time: 11:00 a.m.

Place: By video

Judge: The Honorable Roger L.
Efremsky

1 Upon consideration of the Defendant's Motion for Judgment on the Pleadings, or in the
2 alternative, Summary Judgment filed by Wells Fargo Bank, National Association (Adv. Proc.
3 Docket No. 7) (the "Wells Fargo Motion for Judgment on the Pleadings"), which motion Lois I.
4 Brady, as Chapter 7 Trustee of the above-captioned Fairn & Swanson, Inc. bankruptcy estate
5 joined, and Plaintiff's Opposition and Countermotion filed by Diageo Brands BV, Diageo Scotland
6 Limited, and Diageo North America, Inc. (Adv. Proc. Docket No. 17) ("Diageo's Counter-
7 Motion"), and for good cause shown,

8
9 IT IS HEREBY ORDERED that:

- 10 1. Wells Fargo's Motion for Judgment on the Pleading is hereby Granted;
- 11 2. The Court enters judgment in favor of Defendants Wells Fargo Bank, National
12 Association and Lois I. Brady, as Trustee for the Chapter 7 estate of Fairn &
13 Swanson, Inc., and against Plaintiffs Diageo Brands BV, Diageo Scotland Limited,
14 and Diageo North America, Inc. on the Adversary Complaint;
- 15 3. Diageo's Counter-Motion is hereby Denied; and
- 16 4. The Court's oral ruling is incorporated by reference as if set forth in full.
- 17
18

19 APPROVED AS TO FORM:

20 ROCHELLE MCCULLOUGH, LLP

21 By:

22 /s/ Andrew E. Jillson, pro hac vice

23 Andrew E. Jillson
24 Attorneys for Diageo Brands BV, Diageo North America,
Inc., and Diageo Scotland Limited

25
26 *** END OF ORDER ***
27
28